

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ANTHONY THEVENIN,

Movant

v.

CIVIL ACTION NO. 2:06-0395
(Criminal No. 2:04-00187)

UNITED STATES OF AMERICA,

Respondent

MEMORANDUM OPINION AND ORDER

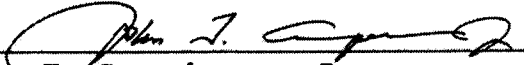
The court having received the proposed findings and recommendation of the United States Magistrate Judge filed on September 22, 2006, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the United States or the movant to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

It is, accordingly, ORDERED that this action be, and it hereby is, dismissed without prejudice. The filing that initi-

ated this action will not be construed as a motion pursuant to section 2255.

The Clerk is directed to forward copies of this order to the movant, all counsel of record, and the magistrate judge.

DATED: November 7, 2006



John T. Copenhaver, Jr.
United States District Judge